

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY )  
 AVERAGE WHOLESALE PRICE ) MDL NO. 1456  
 LITIGATION ) Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO  
01-CV-12257-PBS AND 01-CV-339

**TRACK 1 DEFENDANTS' EMERGENCY MOTION TO EXTEND THE DEADLINE  
FOR SUBMITTING OPPOSITIONS TO PLAINTIFFS' MOTIONS (1) TO STRIKE THE  
SUR-REPLY DECLARATION OF STEVEN J. YOUNG AND (2) FOR SANCTIONS**

For the reasons set forth in their accompanying Memorandum in Support, the Track 1 defendants (hereinafter “defendants”)<sup>1</sup> respectfully move the Court for an order extending the deadlines for responding to plaintiffs’ motions (i) to strike the sur-reply declaration of Steven Young and (ii) for sanctions until Thursday, April 7, 2005.

Defendants' responses to the motions to strike and for sanctions are due on the Thursday before Easter (March 24) and the Monday after Easter (March 28), respectively. The sheer size of plaintiffs' submissions, coupled with their service during the Spring and Easter vacation season and the holiday travel of Mr. Young and defense counsel warrant the minor relief requested. Moreover, plaintiffs cannot justifiably claim prejudice from such a short extension since they themselves took more than a month and a half from the filing of Mr. Young's sur-reply declaration to make their motions.

<sup>1</sup> The Track 1 defendants are AstraZeneca Pharmaceuticals LP, the BMS Group, SmithKline Beecham Corporation d/b/a GlaxoSmithKline, the Johnson & Johnson Group and the Schering-Plough Group.

Because Plaintiffs have refused to consent to an extension and the response deadlines and Easter weekend are fast approaching, defendants have filed this motion as an “emergency motion,” and respectfully request that the Court expedite its ruling thereon.

**Certification Pursuant to Local Rule 7.1**

Pursuant to Local Rule 7.1(a), the undersigned counsel certify that counsel for GSK contacted counsel for plaintiffs regarding the issues addressed in this motion, but were unable to resolve the issues.

Respectfully submitted,

THE TRACK 1 DEFENDANTS

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Dated: March 22, 2005

**Certificate of Service**

I hereby certify that on March 22, 2005, I caused a true and correct copy of Track 1 Defendants' Emergency Motion To Extend The Deadline For Submitting Oppositions To Plaintiffs' Motions (1) To Strike The Sur-Reply Declaration Of Steven J. Young and (2) For Sanctions, to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 by posting on Verilaw.

/s/ Seth B. Kosto

Seth Kosto

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